

REMARKS

This application has been carefully reviewed in light of the Office Action dated March 6, 2006. Claims 1 to 3, 5 to 7, 9 to 15, 17 to 19 and 21 to 26 are in the application, of which Claims 1, 7, 13, 19, 25 and 26 are independent. Reconsideration and further examination are respectfully requested.

Applicant thanks the Examiner for the courtesies and thoughtful treatment afforded to Applicant's representative during the July 21, 2006, telephonic interview with the Examiner. Applicant submits that the following remarks accurately reflect the substance of the interview.

In the Office Action, Claims 1 to 3, 5 to 7, 9 to 15, 17 to 19 and 21 to 26 have been rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,505,205 (Kothuri). These rejections were discussed in detail during the interview and the substance of those discussions are set forth below to make them formally of record in the application. In light of the following arguments, the Examiner agreed that the § 103 rejections appear to be overcome and that a new action on the merit may be warranted.

Turning to the substance of the arguments presented during the interview, referring specifically to the language of the claims, independent Claim 1 defines a method of marking an input tree, the input tree describing a document and comprising a plurality of parent nodes and child nodes, wherein each parent node defines operations to be performed on child nodes of that parent node. The method comprises the step of determining which of the plurality of nodes fit into a target area within the document. The determining step comprises the sub-steps of (a1) setting one of the plurality of nodes as a current node for the target area and (a2) comparing the size of the current node with available space in the

target area. The determining step also comprises (a3) deciding that the current node fits into the target area, if the size of the current node is not greater than the available space, and (a4) if the size of the current node is greater than the available space, performing further sub-steps of determining whether the current node is a parent node, setting one of the child nodes as the new current node if the current node is a parent node, and recursively executing steps (a2) to (a4) with respect to the new current node. The method also comprises marking the nodes that fit into the target area with a common mark specific to the target area such that a section of the input tree that fits into the target area is defined while preserving the structure of the input tree.

Independent Claims 13 and 25 relate to an apparatus and computer program product, respectively, that correspond generally to independent Claim 1.

During the interview, Kothuri was discussed in detail. The following remarks accurately summarize the analysis of Kothuri discussed during the interview. Kothuri is not seen to disclose or to suggest the features of independent Claims 1, 13 and 25, and in particular, is not seen to disclose or to suggest at least the features determining which of a plurality of nodes fit into a target area within a document, wherein the determining step comprises the sub-steps of (a1) setting one of the plurality of nodes as a current node for the target area, (a2) comparing the size of the current node with available space in the target area, (a3) deciding that the current node fits into the target area, if the size of the current node is not greater than the available space, and (a4) if the size of the current node is greater than the available space, performing further sub-steps of determining whether the current node is a parent node, setting one of the child nodes as the new current node if the current node is a parent node, and recursively executing steps (a2)

to (a4) with respect to the new current node, and marking the nodes that fit into the target area with a common mark specific to the target area such that a section of the input tree that fits into the target area is defined while preserving the structure of the input tree.

The Office Action asserts that Fig. 5 of Kothuri discloses steps (a1) to (a4iii) of independent Claim 1. (Office Action, page 3). However, as discussed during the interview, Kothuri's Fig. 5 is directed to constructing a hierarchical index from a set of data items by calculating the variances of different attributes of the data, and basing the construction process on the attribute with the greatest variance. As such, Kothuri's Fig. 5 is not seen to relate to the invention of independent Claim 1, which is a method of marking an input tree, the input tree describing a document and comprising a plurality of parent nodes and child nodes, wherein each parent node defines operations to be performed on child nodes of that parent node. The differences between Kothuri and the features of independent Claim 1 can be clearly seen in a detailed comparison of the steps of Kothuri's Fig. 5 and the steps (a1) to (a4iii) of independent Claim 1, which reveals little, if any, correspondence between Kothuri's Fig. 5 and the features of independent Claim 1.

For example, regarding (a1) of independent Claim 1, Kothuri is not seen to disclose setting one of the plurality of nodes as a current node for the target area, since the process of Fig. 5 operates on a set of data there are no nodes in Kothuri to set as a current node. For similar reasons, Kothuri is not seen to disclose (a2), (a3), or (a4) of independent Claim 1. In addition, Kothuri's determination of variance in each data dimension (508), selection of data dimension having the greatest variance (510), sorting data items in the selected dimension (512), dividing the data in the selected dimension (514), and calculating

the number of items in each subset (516), in other words the bulk of Fig. 5, are not seen to have any correspondence with the features of independent Claim 1.

In addition, the Office Action points to various portions of Kothuri as allegedly disclosing marking nodes that fit into the target area with a common mark specific to the target area such that a section of the input tree that fits into the target area is defined while preserving the structure of the input tree. However, as discussed during the interview, none of the Office Action's alleged "markings" in Kothuri are seen to disclose marking nodes that fit into the target area.

First, Kothuri's "fanout" is defined as "The number of child nodes that the root or an intermediate node may have, and the number of data items a leaf node may have." (column 7, lines 2 to 4 of Kothuri). Thus, the "fanout" is seen to represent how much data can be stored in a node, which is not seen to correspond to the feature of marking nodes that fit into the target area with a common mark specific to the target area such that a section of the input tree that fits into the target area is defined while preserving the structure of the input tree. In addition, Kothuri's "fanout" is not seen to be determined by Fig. 5; thus, the relevance of Kothuri's "fanout" is further questioned.

Second, while Kothuri may disclose assigning unique identifiers for each node, such as a "Node_id," Kothuri's Node_ids are not seen to disclose or to suggest marking nodes that fit into the target area with a common mark specific to the target area such that a section of the input tree that fits into the target area is defined while preserving the structure of the input tree. In particular, each of Kothuri's Node_ids is seen to be merely a unique identification for each node, and unrelated to a common mark specific to a target area.

In addition, the Office Action points to columns 22, 24 and 25 of Kothuri as allegedly disclosing the marking feature of Claim 1. However, as discussed during the interview, the cited portions of Kothuri are seen to disclose a node of the index “splits into two nodes.” (column 22, lines 14 to 15). Accordingly, the disclosure of Kothuri is not seen to disclose or to suggest that a section of the input tree that fits into a target area is defined while preserving the structure of the input tree. Furthermore, Kothuri discloses unique identifiers are assigned to the nodes resulting from the split, which is not seen to disclose or to suggest a common mark, much less a common mark of nodes that fit into a target area.

Accordingly, independent Claims 1, 13 and 25 are believed to be allowable. During the interview, the Examiner tentatively agreed Kothuri does not disclose the features of independent Claims 1, 13 and 25, and suggested filing this written response for her further consideration.

Independent Claim 7 defines a method of forming a tree fragment from an input tree by splitting the input tree. The input tree has nodes marked with a common mark associated with the tree fragment such that a section of the input tree is defined while preserving the structure of the input tree. The input tree describes a document and comprises a plurality of parent nodes and child nodes, wherein each of the parent nodes defines operations to be performed on child nodes of that parent node. The method comprises the steps of identifying the nodes marked with the common mark associated with a respective tree fragment, and generating the tree fragment creating respective tree fragments from the nodes marked with the common mark.

Independent Claims 19 and 26 relate to an apparatus and computer program product, respectively, that correspond generally to independent Claim 7.

Kothuri is not seen to disclose or to suggest the features of Claims 7, 19 and 26, and in particular, is not seen to disclose or to suggest at least the features of splitting an input tree, which has nodes marked with a common mark associated with a tree fragment such that a section of the input tree is defined while preserving the structure of the input tree, by identifying nodes marked with a common mark associated with a respective tree fragment and generating a tree fragment creating respective tree fragments from the nodes marked with the common mark. Accordingly, independent Claims 7, 19 and 26 are believed to be allowable.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Kmett', written over a horizontal line.

Edward A. Kmett
Attorney for Applicant
Registration No.: 42,746

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

CA_MAIN 118255v1